

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HAROLD CARGILL

Petitioner,

v.

LLOYD RAPELJE,

Respondent.

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CASE NO. 2:11-CV-11360  
JUDGE BERNARD A. FRIEDMAN  
MAGISTRATE JUDGE PAUL J. KOMIVES

ORDER DENYING PETITIONER'S MOTION FOR  
APPOINTMENT OF COUNSEL (docket #10)

This matter is before the Court on petitioner's motions for appointment of counsel. There is no constitutional right to counsel in habeas proceedings. *See Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002). Appointment of counsel in a habeas proceeding is generally appropriate only if an evidentiary hearing is required or exceptional circumstances deprive the petitioner of the means to adequately investigate, prepare, or present a colorable claim. *See Lemeshko v. Wrona*, 325 F. Supp. 2d 778, 787 (E.D. Mich. 2004). Petitioner has filed a thorough brief in support of his habeas application, as well as reply to respondent's answer. Further, the record includes the brief filed in the Michigan Court of Appeals by petitioner's counsel, which raised all of the claims asserted as grounds for relief in this action. Therefore, it does not appear that counsel is necessary for petitioner to adequately present his claims. Accordingly, it is ORDERED that petitioner's motion for appointment of counsel is hereby DENIED, without prejudice to the Court appointing counsel should it later appear that counsel is necessary.

The attention of the parties is drawn to FED. R. CIV. P. 72(a), which provides a period of fourteen days from the date of this Order within which to file any objections for consideration by the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

IT IS SO ORDERED.

Dated: April 26, 2012

s/Paul J. Komives  
PAUL J. KOMIVES  
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the forgoing document was sent to parties of record on April 26, 2012 electronically and/or by U.S. mail.

s/Michael Williams  
Relief Case Manager for the Honorable  
Paul J. Komives